

GENERAL ORDER NO. 164-B

(Supercedes General Order No. 164-A)

**PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

RULES AND REGULATIONS GOVERNING STATE SAFETY OVERSIGHT OF
RAIL FIXED GUIDEWAY SYSTEMS

Adopted September 20, 1996. Effective September 20, 1996.

(D. 96-09-081 in R. 96-04-021)

Amended September 3, 1997. Effective October 1, 1997.

Resolution No. ST-27

Amended December 2, 1999. Effective December 2, 1999.

Resolution No. ST-44

IT IS ORDERED that the following rules and regulations governing the safety oversight of rail fixed guideway systems shall hereafter be observed in this State unless otherwise directed by the Commission.

1. GENERAL PROVISIONS

- 1.1 *Authority.* These rules and regulations are authorized by and implement the provisions of 49 U.S.C. 5330, Section 99152 of the Public Utilities Code, and Title 49 of the Code of Federal Regulations, Part 659, Rail Fixed Guideway Systems, State Safety Oversight, Final Rule.
- 1.2 *Applicability.* These rules and regulations are applicable to all transit agencies operating rail fixed guideway systems in California.
- 1.3 *Additional Rules.* The Commission may make such additional rules and regulations or changes to these rules and regulations as necessary for the purpose of safety.
- 1.4 *Exemptions or Modifications.* Requests for exemptions from or modifications of these rules and regulations shall contain a full statement of the reasons justifying the request and demonstrating that safety is not reduced thereby. Any exemption or modification so granted shall be limited to the particular matter covered by the

request.

- 1.5 *Preemption of Other Commission General Orders.* The accident reporting requirements in this general order supercede those in Sections 15.01, 15.02, 15.03 and 16.01 of General Order 143-A.

2. DEFINITIONS

- 2.1 *APTA Guidelines* means the American Public Transit Association's "Manual for the Development of Rail Transit System Safety Program Plans," published on August 20, 1991.
- 2.2 *Fatality* means the death of a person at the scene of an accident, or the transit agency knows that the person died within 30 days of the incident from injuries related to the accident.
- 2.3 *First aid* means medical attention for minor conditions such as abrasions, cuts, or bruises, and is typically confined to a single treatment.
- 2.4 *Hazardous condition* means a condition that may endanger human life or property. It includes unacceptable hazardous conditions.
- 2.5 *Immediate notification* means as soon as possible, but not to exceed 4 hours.
- 2.6 *Rail fixed guideway system* means any light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that is:
- (a) Included in the Federal Transit Administration's calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); and
 - (b) Not regulated by the Federal Railroad Administration.
- 2.7 *Safety* means freedom from danger.
- 2.8 *Security* means freedom from intentional danger.
- 2.9 *Serious injury* means an injury that requires the individual to be transported to a medical facility for medical treatment, beyond medical observations, diagnostic procedures such as X-rays and drawing blood samples, or first aid.
- 2.10 *System safety program plan* means a document adopted by the transit agency detailing its safety and security policies, objectives, responsibilities, and procedures.
- 2.11 *Transit agency* means an entity operating a rail fixed guideway

system.

- 2.12 *Unacceptable hazardous condition* means a hazardous condition determined to be an unacceptable hazardous condition using the APTA Guidelines' Hazard Resolution Matrix (APTA Guidelines, checklist number 7).

3. **REQUIREMENTS FOR SYSTEM SAFETY PROGRAM PLANS**

- 3.1 Each transit agency shall prepare a system safety program plan. The plan shall conform to the APTA Guidelines and these rules and regulations.
- 3.2 The system safety program plan shall address the personal security of the rail transit agency's passengers and employees. The Federal Transit Administration's final report FTA-MA-90-7001-94-1, *TRANSIT SYSTEM SECURITY PROGRAM PLANNING GUIDE*, dated January 1994, shall serve as a set of guidelines for preparation of the security portion of each rail transit agency's system safety program plan. Procedural details that the rail transit agency classifies as confidential information to prevent or mitigate breaches of security shall not be revealed in the system safety program plan. Each rail transit agency shall submit the security portion of its system safety program plan to the Commission for approval prior to January 1, 1998, or the date it begins operations, whichever is later.
- 3.3 The system safety program plan shall be submitted to the Commission staff for review and approval by the Commission. Subsequent revisions of the system safety program plan shall be submitted to the Commission staff for review and approval.
- 3.4 Each transit agency's system safety program plan shall describe the controls used to maintain effective communications and liaison with the Commission staff for reporting and investigating accidents and unacceptable hazardous conditions, submitting corrective action plans and annual internal safety audit reports, and facilitating on-site safety reviews by the Commission staff.
- 3.5 The Commission staff may perform inspections, investigations, and reviews of the design, construction, operation, and maintenance of each rail fixed guideway system to assess whether the actual safety and security procedures and practices of the transit agency comply

with its system safety program plan.

- 3.6 At least once every three years, the Commission staff shall conduct an on-site review of the implementation of each transit agency's system safety program plan to verify compliance with and evaluate the effectiveness of the plan. The Commission staff may conduct the on-site review with its own personnel or by employing the services of another organization other than the transit agency.
- 3.7 Following each on-site review, the Commission will issue a decision based upon the Commission staff findings and recommendations, including an analysis of the efficacy of the system safety program plan and the need, if any, for updating the plan.

4. INTERNAL SAFETY AUDIT REQUIREMENTS

- 4.1 Planned and scheduled internal safety audits shall be performed annually by each transit agency to evaluate compliance and measure the effectiveness of its system safety program plan.
- 4.2 All of the organizational elements described in the Internal Safety Audit Process section of the APTA Guidelines shall be included in the scope of the activities to be audited by each transit agency. This total scope must be completely covered by the internal safety audits conducted within a 3-year period, and every 3-year period thereafter.
- 4.3 Each transit agency shall prepare a schedule of internal safety audits to be performed during each calendar year. This schedule, including any subsequent changes, shall be submitted to the Commission staff before any of the scheduled audits are begun.
- 4.4 Each internal safety audit shall be performed in accordance with written checklists by personnel technically qualified to verify compliance and judge the effectiveness of the system safety program plan activity being audited. The auditors may be organizationally assigned to the unit responsible for management of the activity being audited, but they must be independent from the first line of supervision responsible for performance of the activity being audited.
- 4.5 Each internal safety audit shall be documented in an annual report that covers the audits performed during each calendar year. The

annual report shall state the results of each audit in terms of the adequacy and effectiveness of the system safety program plan. The annual report for the internal safety audits performed during the preceding year shall be submitted to the Commission staff prior to the 15th of February each year.

5. REQUIREMENT FOR REPORTING ACCIDENTS AND UNACCEPTABLE HAZARDOUS CONDITIONS

- 5.1 Each transit agency shall submit accident and unacceptable hazardous condition reports to the Commission staff. A reportable accident is one which exceeds the thresholds established in the following paragraphs and which is associated with the operation of rail transit vehicles and other on-track equipment at any location in the system; including at grade crossings, station platforms, mainline and yard tracks.
- 5.2 Each transit agency shall immediately notify the Commission staff of the following classes of accidents and unacceptable hazardous conditions by telephone, e-mail or FAX:
 - (a) Any event resulting in a fatality or serious injury;
 - (b) Any fire or other hazardous event that requires the evacuation of passengers or requires fire suppression activities conducted by a fire department;
 - (c) Any accident that results in property damage in excess of \$100,000; and
 - (d) Any unacceptable hazardous condition.
- 5.3 Each transit agency shall submit written accident and unacceptable hazardous condition reports on forms prescribed by the Commission staff. Such written reports shall be submitted within 30 days after the last day of the month in which the accident occurred or the unacceptable hazardous condition was discovered. Written reports shall be filed for all unacceptable hazardous conditions and the following classes of accidents:
 - (a) Any accident requiring immediate notification by telephone, e-mail or FAX;
 - (b) Any derailment or collision between rail transit vehicles, or between rail transit vehicles and other on-track equipment, or

between rail transit vehicles and motor vehicles, that meet either of the following two conditions:

1. The rail transit vehicle or other on-track equipment is removed from service or rendered unavailable for service due to damage which must be repaired before it can be returned to service; and
 2. The motor vehicle is removed from the scene by a tow truck or other means due to damage which precludes it from being safely operated.
- 5.4 Each transit agency shall file a monthly accident, unacceptable hazardous condition, and corrective action summary report. This report shall be filed on a form prescribed by the Commission staff within 30 days from the last day of the month covered. The monthly summary report shall be filed whether or not any reportable accident occurred or any unacceptable hazardous condition was identified during the month.

6. REQUIREMENTS FOR INVESTIGATING ACCIDENTS AND UNACCEPTABLE HAZARDOUS CONDITIONS

- 6.1 Each transit agency shall investigate all reportable accidents and unacceptable hazardous conditions on behalf of the Commission staff. The Commission staff may also perform separate, independent investigations at its own discretion.
- 6.2 The accident investigations performed by each transit agency shall be conducted in accordance with written procedures. Accident investigation procedures, including any changes, shall be submitted to the Commission staff for review and approval.
- 6.3 When investigating accidents and unacceptable hazardous conditions that require immediate notification per 5.2 above, the transit agency shall:
- (a) Notify the Commission staff in advance whenever an investigator, investigation team or panel performs interviews, questions witnesses, or conducts inspections, measurements, examinations or tests as part of the investigation;
 - (b) Provide for the Commission staff's participation to the fullest extent possible in accident investigations;

- (c) Document in a written report each item investigated, the investigation findings, the most probable cause, contributing causes, and recommendations for corrective action to prevent a recurrence of the accident or unacceptable hazardous condition;
 - (d) Prepare a corrective action plan and schedule either as a part of the investigation report or in a separate document; and
 - (e) Submit its investigation report and corrective action plan with an accompanying implementation schedule to the Commission staff within 60 days of the occurrence of the accident or identification of the unacceptable hazardous condition. If the investigation takes longer than 60 days to complete, interim status reports shall be submitted every 30 days.
- 6.4 For all other reportable accidents, that do not require immediate notification, the transit agency is not required to submit formal accident investigation reports and corrective action plans unless specifically requested to do so by the Commission staff due to a specific safety concern.
- 6.5 The Commission may make such order with respect to the transit agency's or Commission staff investigation, as the Commission deems necessary.
- 6.6 Investigation reports and corrective action plans prepared by a rail transit agency and filed with the Commission or the Commission staff shall not be admissible as evidence nor shall they be used in any civil action for damages based on or arising out of matters covered therein unless specifically authorized by the Commission.

Dated December 2, 1999, at San Francisco, California.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

By WESLEY M. FRANKLIN
 Executive Director